

Message Text

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ORIGIN DLOS-09

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DODE-00 DOTE-00 EB-08 EPA-01 ERDA-05 FMC-01
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FM SECSTATE WASHDC
TO AMEMBASSY JAKARTA IMMEDIATE
INFO USMISSION USUN NEW YORK
AMEMBASSY LONDON

C O N F I D E N T I A L STATE 071509

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: CONSULTATIONS WITH UK ON VESSEL POLLUTION

AKARTA FOR LOS DEL

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1. U.S. AND UK TEAMS HELD TWO DAYS OF DISCUSSIONS IN
LONDON ON ISSUE OF COASTAL STATE STANDARD-SETTING IN
TERRITORIAL SEA AND RESTRICTIONS IN ARTICLE 20 (2)
OF PART II OF THE RSNT.

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2. U.S. OPENED DISCUSSION WITH EXPLANATION OF PRESIDENT'S
DOMESTIC OIL SPILLS PACKAGE AND UK REVIEWED PROGRESS OF
VARIOUS INTERNATIONAL CONVENTIONS AND ACTIONS. U.S.
SUGGESTED SEPARATE CONSIDERATION OF EACH ISSUE ON DESIGN,
CONSTRUCTION, EQUIPMENT, MANNING, DISCHARGE, AND OTHER
MATTERS. U.S. SUGGESTED SEVERAL QUESTIONS FOR DISCUSSION

OF EACH POINT:

(A) WERE INTERNATIONAL REGULATIONS ENOUGH?

(B) COULD COASTAL STATE ESTABLISH REGULATIONS FOR PROBLEMS WHICH INTERNATIONAL REGULATIONS DID NOT DEAL WITH?

(C) COULD COASTAL STATE IMPLEMENT INTERNATIONAL REGULATIONS OR IMCO RECOMMENDATIONS IMMEDIATELY UPON ADOPTION WITHOUT AWAITING RATIFICATIONS AND ENTRY INTO FORCE?

(D) COULD COASTAL STATE ESTABLISH REGULATIONS MORE STRINGENT THAN INTERNATIONAL REGULATIONS, PERHAPS LIMITING ACTION TO PRESCRIBING TECHNICAL SPECIFICATIONS RATHER THAN SPECIFIC EQUIPMENT?

3. UK PROFESSED FLEXIBILITY BUT SHOWED NONE AND IN FACT HARDENED ITS POSITION. ON DISCHARGES, UK RETREATED FROM ITS PAPER PRODUCED AT DECEMBER GROUP OF FIVE MEETING. WHILE ACCEPTING COASTAL STATE RIGHT TO REGULATE DISCHARGES, THEY SAID RIGHT HAD TO BE LIMITED SO AS NOT TO AFFECT DESIGN, CONSTRUCTION, MANNING OR EQUIPMENT. THEY ADMITTED THAT, IN PRACTICE, THIS WOULD LIMIT OIL DISCHARGE REGULATIONS TO EXISTING INTERNATIONAL REGULATIONS. UNDER PRESSURE, THEY SAID THEIR EARLIER PAPER WAS STILL IN THE TABLE BUT WITH A NEW INTERPRETATION.

4. ON LANGUAGE RESTRICTING COASTAL ACTIONS ON OTHER MATTERS REGULATED BY GENERALLY ACCEPTED INTERNATIONAL CONFIDENTIAL

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STANDARDS, UK STATED THAT THIS INCLUDED QUESTIONS OF CIVIL LIABILITY FOR POLLUTION DAMAGE. WHEN U.S. EXPLAINED THAT PROPOSED NEW U.S. DOMESTIC LEGISLATION ON LIABILITY COVERED OIL DAMAGE IN U.S. TERRITORIAL SEA AND DAMAGE TO U.S. FISHERIES RESOURCES BEYOND, UK RESPONDED THAT THIS WOULD BE PRE-EMPTED BY ARTICLE 20 TEXT.

5. ON DESIGN, CONSTRUCTION, MANNING AND EQUIPMENT, UK ANSWERED QUESTIONS (B), (C), AND (D) ABOVE IN NEGATIVE FOR EACH. IN SPITE OF STATEMENTS THAT IT HAD FLEXIBILITY, UK REJECTED ALL U.S. PROPOSALS AND MADE IT CLEAR THAT IT WOULD ONLY CONSIDER PROPOSALS WHICH REQUIRED INTERNATIONAL COMMUNITY ACCEPTANCE OR BILATERAL ACQUIESCENCE. UK REJECTED ANY PROPOSAL FOR ANY COASTAL STATE FLEXIBILITY.

6. U.S. DRAFTED AND GAVE UK DRAFT ARTICLE ATTEMPTING TO MEET UK CONCERNS. U.S. REQUESTED SIMILAR DRAFTING FROM UK. UK RESPONDED THAT IT HAD TRIED BUT WAS UNABLE TO PRODUCE A DRAFT.

7. COMMENT. U.S. TEAM SOMEWHAT PERPLEXED AS TO WHY UK INVITED TEAM TO LONDON FOR DISCUSSIONS BUT WAS THEN UNWILLING TO SHOW ANY FLEXIBILITY. UK SIDE WAS ENTIRELY COMPOSED OF REPRESENTATIVES FROM SHIPPING OFFICES IN DEPT OF TRADE WHO HAVE ALWAYS BEEN DIFFICULT ON THIS ISSUE. GUINNESS OF FCO INDICATED DURING PRIVATE LUNCH THAT UK HAD CONSIDERABLE FLEXIBILITY ON EQUIPMENT. IT IS POSSIBLE THAT FLEXIBILITY EXISTS BUT THAT SHIPPING PEOPLE CANNOT BRING THEMSELVES TO USE IT.

8. DURING PRIVATE LUNCH, GUINNESS RAISED THREE OTHER POINTS OF INTEREST. FIRST, HE SAID UK HAD URGED BRENNAN OF AUSTRALIA TO CONTINUE EFFORTS TO FIND SCIENTIFIC RESEARCH COMPROMISE. SECOND, HE INDICATED STRONG UK CONCERN WITH U.S. COMMENTS IN OECD ON COASTAL STATE TRUSTEESHIP ZONE AND REVENUE SHARING BEGINNING AT 200
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METERS. HE SAID UK WOULD DELIVER HIGH-LEVEL DEMARCHE ON POINT. FINALLY, HE EXPRESSED UNHAPPINESS THAT U.S. WAS MOVING UNILATERALLY ON OIL POLLUTION LIABILITY AND COMPENSATION WHILE UK WAS URGING MALAYSIA TO ACCEPT INTERNATIONAL SYSTEM ON THIS FOR STRAITS OF MALACCA.
CHRISTOPHER

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Message Attributes

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